

# Public Interest Disclosure

On Wednesday 15 January 2014, the *Public Interest Disclosure Act 2013 (PID Act)* commenced. On the same day the Whistleblowing provisions under the *Public Service Act 1999* were repealed.

**The PID Act is the new legislative scheme for the reporting and investigation of allegations of serious wrongdoing in the Commonwealth public sector.**

The PID Act:

- Removes barriers that prevent people who work, or previously worked in the public sector from speaking up about serious problems that impact on public administration
- Ensures that reports of wrongdoing are properly investigated and dealt with; and
- Provides protection to public officials who report allegations of wrongdoing under the PID Act.

## About public interest disclosure

PID is the reporting of wrongdoing in the Commonwealth public sector. This may include conduct which you reasonably believe:

- Contravenes a law
- Is corrupt
- Perverts the course of justice
- Results in a wastage of public funds or property
- Is an abuse of public trust
- Unreasonably endangers health and safety or endangers the environment
- Is maladministration, including conduct that is unjust, oppressive or negligent.

Disclosures are about matters where investigation and correction is in the public interest. This does not include disagreements with government policy or expenditure.

## Making a public interest disclosure

Public interest disclosures can be made by a public official. This includes:

- Any person who is, or was, employed by the Australian Government
- Individuals employed by any Commonwealth companies, authorities and statutory agencies, the Parliamentary service, statutory officeholders
- Service providers under contract to the Commonwealth and anyone employed by them.

Public interest disclosures can be made orally or in writing:

- By an employee to their supervisor
- To an Authorised Officer
- To [publicinterestdisclosure@ahl.gov.au](mailto:publicinterestdisclosure@ahl.gov.au)
- In very limited circumstances, to a person outside the government other than a foreign official.

You can also report anonymously; however:

- We cannot ensure you are protected from reprisal

- It can make further investigation difficult; and
- It will be impossible to provide you with updates on the progress of the investigation.

### **Authorised Officers**

Our Authorised Officers are:

- Chief Executive Officer; and
- Director, Business Integrity Unit.

Contact authorised officers by:

- email at: [publicinterestdisclosure@ahl.gov.au](mailto:publicinterestdisclosure@ahl.gov.au)
- Mail to: PO Box 30, Woden ACT 2606
- Phone 1800 640 836

### **Protections offered under the PID Act**

If you make a disclosure you will:

- Not be subject to any civil, criminal or administrative liability for making a disclosure, unless a designated publication restriction is contravened without reasonable excuse or the disclosure is knowingly false or misleading
- Have no contractual or other remedy enforced or sanction imposed on you on the basis of making the disclosure
- Have absolute privilege for the purposes of defamation proceedings in respect of the public interest disclosure
- Not have a contract to which you are a party terminated on the basis of the disclosure
- Have your identity protected

### **Information required when making a public interest disclosure**

You should provide as much information as possible, including:

- Your name and contact details (you can remain anonymous)
- The nature of the wrongdoing
- Who committed the wrongdoing
- When and where the wrongdoing occurred
- Relevant background information and events
- If anything has been done in response to the wrongdoing
- Contact details for anyone else who is aware of the wrongdoing and has allowed it to continue
- Whether you believe the information is a public interest disclosure under the PID Act, however it does not need to be described this way for it to be treated as a public interest disclosure
- If you are concerned about possible reprisal as a result of making a disclosure.

### **What are my obligations as a 'supervisor'?**

Under the PID Act you are a 'supervisor' if you supervise or manage a person who makes a disclosure.

If someone you supervise or manage discloses information to you that you reasonably believe concerns one or more instances of 'disclosable conduct', you must, as soon as reasonably practicable, provide the information to an 'authorised officer' within AHL.

In almost all cases, you cannot disclose the identity of someone who has made a public interest disclosure to you, to anyone other than an 'authorised officer'. There are serious criminal penalties for wrongfully disclosing information, including fines and imprisonment

### **More information**

For more information, consult the Commonwealth Ombudsman website at:  
<http://www.ombudsman.gov.au/pages/pid/> or email [AHL.BIU@ahl.gov.au](mailto:AHL.BIU@ahl.gov.au)